

REMARKS

I. INTRODUCTORY REMARKS

Reconsideration and allowance are respectfully requested.

In the October 4, 2007 office action, the Examiner rejected all pending claims 1-3, 7-13, 17-23, 25, 29-41, 44-47, 66-72, and 98-101.

In this Amendment, the Applicants amend the independent claims to clarify that (1) a mask must be provided which is in need of additive repair; and (2) the sol-gel material is converted to a solid oxide.

The Applicants believe support is present for these Amendments throughout the specification including, for example, page 6 lines 8-12; and page 29 line 18 to page 30 line 13; and page 32. No new matter is believed present.

The specification is amended as suggested by the examiner.

In the office action, page 3, last seven lines, the Examiner makes comments about misspellings in the headings. The applicants in good faith attempted to spot and resolve this issue, but could not find the problem. The applicants offer a telephone interview with the undersigned as needed to move beyond this.

II. RESPONSE TO PRIOR ART REJECTIONS

One issue remains: obviousness.

In each of the obviousness rejections, the Examiner relies on Lewis as the primary reference. However, Lewis directly teaches against what is presently claimed. For example, Lewis teaches that:

Etchant which leaves the pipette forms globules which solidify on the surface. This hinders the writing process. Globule formation and solidification can be prevented by keeping the surface and tip at absolute humidity. In practice, this is achieved by surrounding the tip with air that is fully saturated with water vapor. (page 2690, left column, bottom, emphasis added)

Clearly, Lewis directly contravenes what the Applicants are claiming. The applicants claim a solidification process which Lewis directly seeks to prevent and avoid. Moreover, the secondary references cannot overcome a strong teaching away in the primary reference.

Also, Lewis teaches the difficulty of this Lewis technology, stating that “the controlled removal of a chrome film, that is both technically difficult to accomplish by other means...” (emphasis added) This clear statement of the technical difficulty contravenes any assertion that one may easily combine secondary references for other technology (e.g., Miller) with Lewis. No motivation to combine is present in this record.

Moreover, none of the references cited by the examiner teach use of a photomask which is in need of additive repair. Hence, a missing element is present: even if the references are combined for sake of argument, the claimed invention is not arrived at.

Therefore, no prima facie obviousness can be present. The primary reference teaches away. No motivation to combine is present. And the art does not teach all of the claimed elements. The inventors solved a commercially important problem in additive repair, and the art taken as a whole does not suggest or solve this problem.

The Applicants incorporate by reference their prior remarks about patentability into this Amendment.

If the Examiner has any questions or comments about the present Amendment, he is invited to contact the undersigned to efficiently resolve any issues.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or any other provision, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

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